

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:23-CR-00439 RLW SPM
)	
BRANDON DANIEL ESPINOZA,)	
)	
)	
Defendant.)	

MOTION FOR PRE-TRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Nathan Chapman, Assistant United States Attorneys for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the Government states as follows:

1. The defendant is charged with an offense involving a minor victim, specifically Title 18, United States Code, Section 2251 (production of child pornography).
2. Accordingly, a rebuttable presumption arises pursuant to Title 18, United States Code, Section 3142(e)(3) that there are no conditions or combination of conditions which will reasonably assure the appearance of the defendant as required, and the safety of any other person and the community.

3. Pursuant to Title 18, United States Code, Section 3142(g), the nature of the allegations against the defendant, the weight of the evidence against the defendant, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release additionally warrant the defendant's detention pending trial.

- a. *Nature of Allegations:* In June of 2023, the defendant was babysitting his five-year-old nephew. The defendant recorded himself receiving oral sex from the child. At the end of the video, the child can be heard saying "it choked me."
- b. *Weight of Evidence:* The video of the sexual abuse was found on the defendant's phone. In the video, a partial tattoo is seen that is the defendant's. In a post-Miranda interview, the defendant admitted that while babysitting his nephew, he asked the child to perform oral sex on him. The defendant also admitted to recording the act.
- c. *Defendant's History and Characteristics:* The defendant is currently charged in the Circuit Court of Warren County with one count of Statutory Sodomy in the First Degree Involving a Child Less Than 12 years old (unclassified felony), and one count of Sexual Exploitation of a Minor Child (class A felony). At the time of this indictment the defendant is in custody without bond.
 - i. In May of 2022, the defendant was convicted of the misdemeanor of Unlawful Possession of Drug Paraphernalia and sentenced to a fine.
 - ii. In November of 2022, the defendant was convicted of the misdemeanor of Peace Disturbance and given a suspended imposition of sentence and one day of probation.

- d. *Nature and Seriousness of the Danger*: The defendant used his position of trust as the victim's uncle to sexually abuse him and record it.

WHEREFORE, the Government requests this Court to order defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of defendant's initial appearance.

Respectfully submitted,

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